

REMARKS

Claims 7-10, 12-16 and 20 pending in this application, with claims 7 and 12 being written in independent form. By this Amendment, claims 11 and 17-19 are cancelled without prejudice or disclaimer. Claims 7, 12 and 13 are amended. As the claims are amended only to address minor informalities and to recite previously examined subject matter, no new matter is added that would require further consideration and/or search.

Priority Document

Applicant again respectfully requests acknowledgement of receipt of the priority document forwarded to the USPTO from the WIPO, by checking the appropriate box on the Office Action Summary accompanying the next Office Action.

Specification

The specification is objected to, without basis in law or rule, for allegedly failing to describe any portion of the claimed invention. Applicant respectfully submits that the specification entitled ATMOSPHERIC ELECTRIC ACUPUNCTURE MONITOR describes the subject matter of the claims. For example, claim 1 recites an atmospheric electric acupuncture device that includes the elements shown, for example, in Fig. 5 of the application. Thus, the allegation that the specification fails to describe any portion of the claimed invention is unclear. Applicant requests that specific reference be made as to what claimed element is not supported in the specification.

It is also alleged that reference characters 1-5 of Fig. 5 are not mentioned in the specification. The specification is amended to recite previously deleted subject matter and to include reference characters represented in Fig. 5. Support for the amendments may be found in the originally filed specification represented by WO 2004/012645 (PCT/DK2003/000523) which was filed in the USPTO on February 4, 2005, as well as the originally filed figures and claims of the present application.

Claim Objections

Claims 7-20 are objected to due to informalities. Specifically, the Examiner requests a consistent spelling of “feedback” unit. As claims 7 and 12 are amended to spell “feedback” in a manner consistent with other claims, withdrawal of the objection is respectfully requested.

Claim Rejections-35 U.S.C. §112

Claims 7-20 are rejected under 35 U.S.C § 112, first paragraph, for failing to comply with the enablement requirement because the specification allegedly fails to contain any mention of the claimed invention. The rejection is respectfully traversed.

The specification as amended provides support for the pending claims including for example, the Abstract of the specification and the paragraph added to page 5 of the specification provided herein and originally submitted with the specification filed with the USPTO on February 4, 2005.

It is further alleged that it is unclear how the claimed electrical cable “is adapted to maintain an electrical potential of the object to be treated.”

Claim 7 is amended to clarify the recitation of the electrical cable as maintaining an electrical potential of the object. As pointed out in the specification, charged ions will flow in a direction according to an electrical potential. To create a flow of ions, an electrical potential must exist (see Figs. 1-4). Thus, the cable 4 maintains an electrical potential so ions may flow from the ion generator 1 to the object 5, as shown in Fig. 5.

Claims 7-11 and 13-20 are also rejected under 35 U.S.C § 112, first paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, it is alleged that it is unclear if the feedback unit recited at line 5 of claim 7 is the same as that recited at line 3 of claim 7.

Claim 7 is amended to clarify the recitation the feedback unit as being one and the same feedback unit.

It is also requested that claim 3 be written in “active voice” as claim 13 is a method claim. As claim 13 is so amended, withdrawal of the rejection is respectfully requested.

Claim Rejections-35 U.S.C. § 102/103

Claims 7, 9 and 11-13 are rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative obvious over GB 2 246 955 to Copus. The rejection is respectfully traversed.

Copus relates to a device for destroying microorganisms by an electrical means. In Copus, a generator A may include a current limiting device and produces a voltage between a positive pole B and a negative pole C. The poles are connected via wires to a probe and an electrode. In use, the electrode is held in a patients hand and the probe is used to direct negative air ions from a needle attached to the probe to a site of infection in an effort to destroy microorganisms. In an embodiment, the apparatus may be modified to treat larger areas, for example stationary or moving beds that carry fruit or vegetables (page 2, Figs. 1 and 3 of Copus).

It is alleged in the Office Action that the recitation of “current-limiting devices” which may be incorporated in the generator shown in Fig. 1, corresponds to the claimed “feedback unit” that controls “exposure and dose of ions to the object being treated.”

However, there is no such description in Copus that the optional “current-limiting devices” are feedback units that control the exposure and dose of ions as claimed. Rather, Copus merely discloses that a generator may incorporate a current limiting device. Thus, Copus fails to disclose the feature as alleged.

It is further alleged in the Office Action that Copus discloses the elements of claim 11 (i.e., a feedback unit adapted to keep the object at a specific potential). However, no support for the rejection is provided. In fact there is no disclosure in Copus of the device being able to keep the object at a specific potential.

As there is no disclosure or suggestion in Copus that the claimed feedback unit or a feedback unit adapted to keep the object (e.g., patient, vegetable bed, flower bed) at a specific potential, withdrawal of the rejection is respectfully requested.

Claims 7-19 are rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative obvious over US Patent 6,549,808 to Gisel, et al. (“Gisel”). The rejection is respectfully traversed

Gisel relates to a device for electrically exciting tissue at target locations in the body (column 2, lines 40-43). In Gisel, the device 10 includes a power unit 14 connected to a head set

12 via a wire 36, 38 (Fig. 1). The headset 12 includes electrodes 20, 22 that are positionable to contact a surface of a head of a patient 16.

It is alleged in the Office Action that Gisel discloses a feedback unit adapted to keep the object (patient 16) at a specific potential. However, Gisel merely discloses that “each electrode is maintained at the same potential and no electrical current flows from one electrode to the other (col. 3, lines 32-34).

Thus, rather than being adapted to keep the object (patient 16) at a specific potential, Gisel discloses keeping the electrodes 20,22 at a same potential.

Moreover, it is alleged that Gisel discloses the subject matter of claim 14 without providing support for the rejection. In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command and the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified (37 CFR §1.104 see also MPEP 706.02(j)).

Further, Gisel fails to disclose or suggest that the alleged feedback unit ((transformer regulator 52) is adapted to monitor a total charge delivered to the object (patient 16), as recited in dependent claim 14.

CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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